

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JULIE CARR-DAVIS, as surviving spouse :
and administratrix of the ESTATE OF
RALPH R. CARR, :

Plaintiff, :

v. :

BRISTOL-MYERS SQUIBB CO., et al., :

Defendants. :

Civil Action No. 07-1098 (FLW)

ORDER

THIS MATTER having been opened to the Court by Defendants Bristol-Myers Squibb Company, Sanofi-Aventis U.S. L.L.C., Sanofi-Aventis U.S., Inc., and Sanofi-Synthelabo, Inc., through counsel Michael A. Tanenbaum, Esq., seeking dismissal of the First Amended Complaint of Plaintiff Julie Carr-Davis, as surviving spouse and administratrix of the Estate of Ralph R. Carr ("Plaintiff"), for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6); Plaintiff, through her counsel Michele A. DiMartino, Esq., having submitted opposition thereto; the Court having considered the moving, opposition, and reply papers filed by the parties; this matter being considered pursuant to Fed. R. Civ. P. 78; for the reasons stated in the Opinion filed on this date, and for good cause shown;

IT IS on this 30th day of December, 2009,

ORDERED that Defendants' motion to dismiss Count VI of the First Amended Complaint pursuant to the Missouri Merchandising Practices Act is **DENIED**; and it is further

ORDERED that Count V of the First Amended Complaint, i.e., negligent misrepresentation claim, is dismissed without prejudice.

/s/ Freda L. Wolfson
Freda L. Wolfson
United States District Judge